

Application No. 10/826035
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Amendment
Attorney Docket No. S63.2B-10885-US01

Remarks

This Amendment is in response to the Office Action dated July 20, 2005.

Claims 1-28 are pending in this application. The Office Action rejected claims 23 and 24 under 35 USC § 112, second paragraph; rejected claims 14-18 and 20 under 35 USC § 103 over Whitesell (US 5261263) in view of Shrock (US 4578982); rejected claim 19 under 35 USC § 103 over Whitesell in view of one of Putnam (US 5411521) or Johnson (1480077); rejected claims 22 and 25-27 under 35 USC § 103 over Motsenbocker (US 6629350) in view of Whitesell; and rejected claim 28 under 35 USC § 103 over Motsenbocker in view of Whitesell and further in view of either one of Austin (US 6823576) or Kokish (US 6840081).

By this Amendment, claims 14-16, 22, 23 and 28 are amended. Support for the amendments may be found at least in Figure 1. Claim 23 has been rewritten in independent form and is believed to be of the same scope as originally filed. No new matter has been added. Applicant reserves the right to prosecute any relinquished subject matter in a subsequent patent application claiming priority to the immediate application. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Allowable Subject Matter

Applicant acknowledges the Office Action's indication of allowable subject matter in claims 1-13 and 21. However, for at least the reasons set forth below, Applicant respectfully asserts that all of the claims are directed to allowable subject matter and that the application is in condition for allowance.

Claim Rejections – 35 USC § 112

The Office Action rejects claims 23 and 24 under 35 USC § 112, second paragraph as being indefinite for referencing a method while depending from an apparatus claim. Claim 23 has been rewritten independently, and claims 23 and 24 are believed to comply with 35 USC § 112. Applicant has also amended claim 28 to depend from method claim 22 to correct a similar informality. Accordingly, Applicant requests withdrawal of the rejections.

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Claim Rejections – 35 USC § 103

The Office Action also rejects, under 35 USC § 103, claims 14-18 and 20 over Whitesell (US 5261263) in view of Shrock (US 4578982); claim 19 over Whitesell in view of one of Putnam (US 5411521) or Johnson (1480077); claims 22 and 25-27 over Motsenbocker (US 6629350) in view of Whitesell; and claim 28 over Motsenbocker in view of Whitesell and further in view of either one of Austin (US 6823576) or Kokish (US 6840081).

Independent claims 14 and 22 recite a blade having “a slot that is slidably engaged with the blade constraining member, the slot having a lengthwise axis, a pivot point of the blade being offset from the lengthwise axis.”

Applicant believes that none of the applied references disclose or suggest a blade meeting the limitations of claims 14 or 22. Although Whitesell does disclose a device with levers 18 having an outer pivot 22 and a cam slot 24, the pivot 22 is aligned with a lengthwise axis of the cam slot 24. See Figure 6 and column 3, lines 4-11. None of the applied references provide any motivation to move the pivot point such that it is offset from a lengthwise axis of the slot, as required by claims 14 and 22.

Therefore, Applicant asserts that independent claims 14 and 22 are patentable over the applied references. Claims 15-20 depend from claim 14, and claims 25-28 depend from claim 22. The dependent claims are patentable for at least the reasons discussed with respect to the independent claim from which they depend. Accordingly, Applicant requests withdrawal of the rejections under 35 USC § 103.

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Conclusion

Based on at least the foregoing amendments and remarks, Applicant respectfully submits this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-28 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: October 14, 2005

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